



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,818	02/28/2006	Gerhard Hubschen	785.45159X00	8657
20457 7590 01/02/2008 ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			EXAMINER CHAPMAN JR, JOHN E	
			ART UNIT 2856	PAPER NUMBER
			MAIL DATE 01/02/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,818

Applicant(s)

HUBSCHEN ET AL.

Examiner

John E. Chapman

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-48 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 20, 21, 23, 25, 27, 29, 33, 35, 37, 39, 41, 43 and 46-48 is/are rejected.
- 7) ☒ Claim(s) 19, 22, 24, 26, 28, 30-32, 34, 36, 38, 40, 42, 44 and 45 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 6/20/05.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

1. The drawings are objected to because the drawings do not admit of reproducibility. New drawings are required. In addition, in Fig. 1 the magnetic flux guide piece should be referenced by "3" instead of --2--. Fig. 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The abstract of the disclosure is objected to because it should be a single paragraph. In line 3, "a, respectively from" should be deleted. In line 5, "generating, respectively" should be

Art Unit: 2856

--generating and/or--. In line 9, "core, which each" should be --core having--. Correction is required. See MPEP § 608.01(b).

3. The specification is replete with numerous idiomatic and grammatical errors and should be carefully revised. Examples of such errors are:

Page 1, first paragraph, line 3, "a, respectively from" should be deleted.

Page 1, first paragraph, line 5, "generating, respectively" should be --generating and/or--.

Page 7, "Ways to Carry Out the Invention, Commercial Applicability" should be changed to --DETAILED DESCRIPTION OF THE INVENTION--.

Page 8, line 13, "a type" should be deleted or changed to --type of a--.

Page 8, line 13, "in the further on herein" should be --hereafter-- or --below--.

Page 8, third paragraph, line 1, "upper side 32" should be --lower side 32--.

Page 9, third paragraph, line 2, "an as such" should be changed to --a--.

Page 10, line 6, "normals of" should be --normal--.

Page 12, second paragraph, line 2, "unipolar" is unclear. All magnets have two poles.

Page 12, third paragraph, line 2, "Contrary" should be --In contrast--.

Page 12, third paragraph, line 9, "unipolar" is unclear.

4. Claims 19-48 are objected to because of the following informalities:

Claim 19, line 3, "a, respective from" should be deleted.

Claim 19, line 5, "generating, respectively" should be --generating or--.

Claim 20, line 3, "in, respective from" should be --in--.

Claim 20, line 5, "generating, respectively" should be --generating or--.

Claim 26, line 2, "to" should be --two--.

Claim 31 should depend upon claim 20, since otherwise it is a duplicate of claim 30.

Claim 34, line 3, "at least one" should be deleted, since only one is recited in claim 19.

Claim 35, line 3, "the at least one" should be --at least one--, since at least two are recited in claim 20.

Appropriate correction is required.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 20, 21, 23, 25, 27, 29, 33, 35, 37, 39, 41, 43 and 46-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 20, last line, it is not clear what is meant by "an electromagnetic arrangement." It is not clear that the magnetic flux guide piece 3 has a surface facing an electromagnetic arrangement. Furthermore, elements recited in the alternative should be equivalents, and it is not clear that "an electromagnetic arrangement" is equivalent to the workpiece.

Regarding claim 21, the claim terminology is inconsistent with the specification. No "longitudinal limb" is described in the specification. Claim 21 appears to be directed to the embodiment of Fig. 7, which is described in the specification as "m-shaped" and not "U-

Art Unit: 2856

shaped.” See page 12, third paragraph, line 3. The claim terminology must be consistent with the specification.

Regarding claim 29, “the magnetic flux guide piece” is ambiguous, since at least two are recited in claim 20. Hence, it is not clear whether at least one guide piece or at least two guide pieces are being recited.

Regarding claim 46, it is not clear what it means for adjacent magnetic flux guide pieces to be “oriented in opposite directions.” Since the guide pieces are recited in claim 42 as being aligned in parallel, it is not clear that claim 46 further limits claim 44. It is not clear how adjacent magnetic flux guide pieces in Fig. 3 are distinguished as being in the same or in opposite directions.

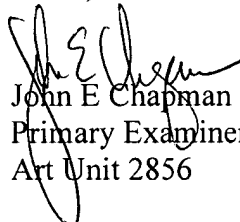
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Paige et al. (7,024,935) discloses an electromagnetic acoustic transducer having a magnetizer 6 and a coil arrangement disposed on a ferromagnetic core 20, wherein the faces of the core 20 are connected directly to a wear plate 24 of electrically insulating material. Meier et al. (5,987,993) discloses an electromagnetic ultrasonic transducer having permanent magnets 6, 8 and a high-frequency coil assembly 10 disposed on a soft magnetic core 20.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John E. Chapman whose telephone number is (571) 272-2191. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron

Art Unit: 2856

Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


John E Chapman
Primary Examiner
Art Unit 2856